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STRAUB & POKOTYLO
620 TINTON AVENUE
BLDG. B, 2ND FLOOR
TINTON FALLS, NJ 07724

EXAMINER
SANDERS, AARON J

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/732,824	BRONSON ET AL.
	Examiner	**Art Unit**	
	Aaron Sanders	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 October 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12/10/2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment filed 4 October 2007 has been entered. Claims 1-38 are pending.

Claims 1-29, 32-34, and 36 are amended. No claims are canceled. This action has been made

FINAL, as necessitated by amendment.

Specification

The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed. The following title is suggested:

Rendering Alternative Advertisements Based on Ad Revenue and Negative Content.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making
and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
contemplated by the inventor of carrying out his invention.

Claims 1, 20, and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claims contain subject matter which was

not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventors, at the time the application was filed, had possession of the claimed

invention.

Specifically, claims 1, 20, and 36 recite a step of "signaling" which is not disclosed in the

specification or the claims as originally filed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The disclosed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomena) since it fails to produce a tangible result.

Specifically, the disclosed subject matter does not produce a tangible result because it fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulation of data. More specifically, the disclosed subject matter provides an indication that may enable a publisher to render alternative content, see [0054]. Since the "indication" may enable the publisher, it also may not, so it is not clear that this is a tangible result. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

As per claims 36-38, the instant claims are directed to software *per se*. Independent claim 36 recites a computer program *per se* and functional descriptive material consisting of data structures and computer programs, which impart functionality when employed as a computer component. As such, the instant claims are not limited to statutory subject matter and are therefore non-statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-22 and 25-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kumhyr et al., U.S. 2003/0131095 (Kumhyr), in view of Granik et al., U.S. 2002/0010757

(Granik).

·1. A computer-implemented method comprising:

determining whether or not a condition is met *(See e.g. Kumhyr Fig. 3 and [0025],*

"Thus, in step 306, it is determined if an advertisement associated with such display restrictions

is identified in the page"), responsive to an ad request associated with a target document,

wherein the target document is associated with a resource for rendering content *(See e.g. Kumhyr*

Fig. 1 and [0017], "Clients 102 may include a Web browser 108 for requesting Web documents,

which may also be referred to as Web pages, from server 106 and rendering the requested Web

pages," where the claimed "ad request" is part of the referenced "requesting Web documents,"

the claimed "target document" is the referenced "Web page," and the claimed "resource" is the

referenced "client");

if it is determined that the condition is met, a first entity providing a set of at least one ad

to be rendered via the resource *(See e.g. Kumhyr Fig. 3 and [0025], "A Web page may be have*

multiple insertions of advertising, and not all of the entities placing the advertising are

necessarily concerned about the content of the web page in which the advertising will appear,"

where the claimed "condition" is the referenced "No" decision of step 306); and

if it is determined that the condition is not met, the first entity signaling the availability of

at least a portion of the resource to a second entity *(Kumhyr does not teach signaling the*

availability of the resource if the condition is not met. However, Granik does, see [0018], "The

application... filter[s] out the undesired advertising content by preventing it from being

displayed, and then replaces the filtered out web-based advertising with personalized and more

appropriate content, i.e. other advertisements," where the claimed "condition" is that the

referenced advertisement contains "undesirable content" and the claimed "signaling" is the

referenced "replac[ing]." Thus, it would have been obvious to one of ordinary skill in the

database art at the time of the invention to combine the teachings of the cited references because

Granik's teachings would have allowed Kumhyr's method and system to gain greater

personalization, and therefore relevance, of online advertisements, see Granik [0007]).

2. The computer-implemented method of claim 1, wherein the first entity includes a

content ad system *(See e.g. Kumhyr Fig. 3 and [0023], "Monitoring process 300 may be used to*

monitor web pages for content deemed inappropriate by the sponsor of advertising to be inserted

in the web page").

3. The computer-implemented method of claim 2, wherein the second entity includes a

publisher with which the target document is associated *(See e.g. Granik [0014], "a mechanism*

for replacing original content with new advertising content... including URL content for

enabling user access to a destination web-site affiliated with advertisers providing the new

advertising content").

4. The computer-implemented method of claim 3,

wherein the ad request associated with a target document is made by a publisher *(See e.g. Kumhyr [0035], "In step 602, a display permission request is sent to the advertisers sponsor, or advertiser"),*

wherein the publisher requests the ad from the first entity *(See e.g. Kumhyr [0035], "In step 602, a display permission request is sent to the advertisers sponsor, or advertiser"),* and

wherein the act of determining whether the condition is met is performed by the first entity *(See e.g. Kumhyr Fig. 3 and [0025], "Thus, in step 306, it is determined if an advertisement associated with such display restrictions is identified in the page").*

5. The computer-implemented method of claim 4, wherein the condition depends on whether the first entity determines the target document can be crawled, and if not, determining that the condition is not met *(See e.g. Kumhyr [0005], "A computer user may "browse", i.e., navigate around, the WWW by utilizing a suitable web browser, e.g., NetscapeJ, Internet ExplorerJ, and a network gateway, e.g., Internet Service Provider (ISP). A web browser allows the user to specify or search for a web page on the WWW and subsequently retrieve and display web pages on the user's computer screen").*

6. The computer-implemented method of claim 4, wherein the condition depends on whether the target document is available for analysis by the first entity to determine if a relevant ad is available for rendering, and if not, determining that the condition is not met *(See e.g. Kumhyr Fig. 3 and [0024], "In step 304, a data stream is watched as the web page is generated").*

7. The computer-implemented method of claim 4, wherein the condition depends on whether the target document contains negative subject matter, and if so, determining that the condition is not met *(See e.g. Kumhyr Fig. 4 and [0027], "In step 402, process 400 enters a scanning loop formed by steps 402-410 in which the datastream content is parsed for instances of key items in the web page content. For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports").*

8. The computer-implemented method of claim 7, wherein negative subject matter includes at least one of tragic events, pornography, alcohol promotion, tobacco promotion, gun promotion and gambling promotion *(See e.g. Kumhyr Fig. 4 and [0027], "In step 402, process 400 enters a scanning loop formed by steps 402-410 in which the datastream content is parsed for instances of key items in the web page content. For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports").*

9. The computer-implemented method of claim 4, wherein the condition depends on whether the first entity determines if a threshold number of sufficiently relevant ads are available to render in association with the target document, and if not, determining that the condition is not met *(See e.g. Kumhyr Fig. 4 and [0029], "On completion of the scan, step 410, in step 412 it is determined if a match condition is exceeded. In other words, if a match of count of key items exceeds a predetermined threshold condition").*

10. The computer-implemented method of claim 9, wherein the threshold number of sufficiently relevant ads depends on a degree of topical correlation between a plurality of ads available to the first entity and subject matter of the target document *(See e.g. Kumhyr Fig. 4 and*

[0029], "On completion of the scan, step 410, in step 412 it is determined if a match condition is exceeded").

11. The computer-implemented method of claim 4, wherein the condition depends on whether the first entity determines if a threshold number of ads are available to render in association with the target document, and if not, determining that the condition is not met *(See e.g. Kumhyr [0025], "A Web page may be have multiple insertions of advertising... a particular advertiser concerned about the placement of its advertising in a web page including content it considers inappropriate, may subject its advertisements to display restrictions").*

12. The computer-implemented method of claim 4, wherein the condition is met if the first entity determines that net revenue for rendering the ad will be positive *(See e.g. Granik [0019], "Particularly, the advertisers will pay the owner or operator of the Ad Replacer for every impression (or perhaps for every advertisement clicked on by the web user) and the Ad Replacer system, in turn, will pass along a percentage of that revenue to the user").*

13. The computer-implemented method of claim 12, wherein the act of determining whether net revenue for rendering the ad will be positive, by the first entity, comprises:

determining whether or not a payment is to be paid to a publisher for rendering the ad *(See e.g. Granik [0046], "on-line advertisers pay the owner or operator of the Ad Replacer website owner for every advertisement seen by the web user (or for every advertisement clicked on by the web user) and the owner in turn will pass along a percentage of that revenue back to the user");* and

estimating gross revenue derived from an advertiser for rendering the ad in association with the target document *(See e.g. 'Granik [0046], "on-line advertisers pay the owner or*

operator of the Ad Replacer website owner for every advertisement seen by the web user (or for

every advertisement clicked on by the web user) and the owner in turn will pass along a

percentage of that revenue back to the user").

14. The computer-implemented method of claim 13, wherein the payment depends on a

number of impressions of the ad using the resource of the target document *(See e.g. Granik*

[0019], "Particularly, the advertisers will pay the owner or operator of the Ad Replacer for

every impression (or perhaps for every advertisement clicked on by the web user)").

15. The computer-implemented method of claim 13, wherein the gross revenue depends

on a number of impressions of the ad using the resource of the target document *(See e.g. Granik*

[0019], "Particularly, the advertisers will pay the owner or operator of the Ad Replacer for

every impression (or perhaps for every advertisement clicked on by the web user)").

16. The computer-implemented method of claim 13, wherein the gross revenue depends

on an estimated clickthrough amount for the ad if rendered using the resource of the target

document *(See e.g. Granik [0018], "Furthermore, users performing certain pre-defined user*

actions, including but not limited to: generating 'click-throughs'... will additionally entitle users

to rewards").

17. The computer-implemented method of claim 1, wherein the first entity includes a first

ad system *(See e.g. Kumhyr Fig. 3 and [0023], "Monitoring process 300 may be used to monitor*

web pages for content deemed inappropriate by the sponsor of advertising to be inserted in the

web page") and the second entity includes a second ad system *(See e.g. Granik [0014], "a*

mechanism for replacing original content with new advertising content... including URL content

for enabling user access to a destination web-site affiliated with advertisers providing the new

advertising content ").

18. The computer-implemented 2 method of claim 17, wherein the first ad system is a

content ad system *(See e.g. Kumhyr Fig. 3 and [0023], "Monitoring process 300 may be used to*

monitor web pages for content deemed inappropriate by the sponsor of advertising to be inserted

in the web page ").

19. The computer-implemented method of claim 17, wherein the content includes a set of

one or more ads *(See e.g. Kumhyr [0025], "A Web page may be have multiple insertions of*

advertising ").

20. The computer-implemented method of claim 1,

wherein the ad request associated with the target document is received by the first entity

(See e.g. Kumhyr [0035], "In step 602, a display permission request is sent to the advertisers

sponsor, or advertiser "),

wherein the target document is requested by a client system and the ad request includes

an identifier of the second entity *(See e.g. Kumhyr Fig. 3 and [0023], "Monitoring process 300*

may be used to monitor web pages for content deemed inappropriate by the sponsor of

advertising to be inserted in the web page as discussed hereinabove "),

wherein the first entity determines to redirect the request to the second entity based on a

set of one or more criteria (See e.g. *Granik [0018], "The application... filter[s] out the undesired*

advertising content by preventing it from being displayed, and then replaces the filtered out web-

based advertising with personalized and more appropriate content "), and

wherein the act of signaling the availability of the resource includes the first entity setting

a location field in an outgoing hypertext protocol header with the identifier, causing the target

document to be output to the client system with the content rendered by the second entity *(See*

e.g. Granik [0026], "As mentioned, the background application is a utility that filters and

replaces content based on personal profile, target URL and keywords").

21. The computer-implemented 2 method of claim 20, wherein the identifier includes an

alternative content URL *(See e.g. Granik [0026], "As mentioned, the background application is*

a utility that filters and replaces content based on personal profile, target URL and keywords").

22. The computer-implemented method of claim 20, further comprising using remote

scripting to process the ad rendering request *(See e.g. Kumhyr [0017], "Clients 102 may include*

a Web browser 108 for requesting Web documents, which may also be referred to as Web pages,

from server 106 and rendering the requested Web pages as previously described").

25. The computer-implemented method of claim 1, wherein if it is determined that the

condition is not met, the first entity indicating to an external entity that the condition is not met

(See e.g. Kumhyr Fig. 4 where, see [0030], "If such a semantic context is identified, step 414, an

exception subprocess is launched (step 420)").

26. The computer-implemented method of claim 25, further comprising identifying, by

the first entity, the condition to the external entity *(See e.g. Kumhyr Fig. 6 and [0035], "The*

permission request may be sent to the sponsor via any available communication means... The

request may include, for example, the number of key items matched, and a list of the key items

that were matched in the page").

27. The computer-implemented method of claim 26, wherein the external entity is the

second entity *(See e.g. Kumhyr [0035], "In step 602, a display permission request is sent to the*

advertisers sponsor, or advertiser (these terms may be used equivalently herein)").

28. The computer-implemented method of claim 26, wherein the external entity includes

a publisher *(See e.g. Kumhyr [0035], "In step 602, a display permission request is sent to the*

advertisers sponsor, or advertiser (these terms may be used equivalently herein)").

29. In an ad system, a method for handling ad rendering requests comprising:

receiving, by the ad system, a request to provide content to be rendered in conjunction

with a target document *(See e.g. Kumhyr Fig. 1 and [0017], "Clients 102 may include a Web*

browser 108 for requesting Web documents, which may also be referred to as Web pages, from

server 106 and rendering the requested Web pages," where the claimed "request" is the

referenced "requesting Web documents" and the claimed "target document" is the referenced

"Web page");

determining, based on a set of one or more conditions *(See e.g. Kumhyr Fig. 3 and*

[0025], "Thus, in step 306, it is determined if an advertisement associated with such display

restrictions is identified in the page"), whether to provide at least one ad responsive to the

request *(See e.g. Kumhyr Fig. 3 and [0025], "A Web page may be have multiple insertions of*

advertising, and not all of the entities placing the advertising are necessarily concerned about

the content of the web page in which the advertising will appear," where the claimed

"condition" is the referenced "No" decision of step 306), and if not, redirecting the request to an

alternative entity *(Kumhyr does not teach signaling the availability of the resource if the*

condition is not met. However, Granik does, see [0018], "The application... filter[s] out the

undesired advertising content by preventing it from being displayed, and then replaces the filtered out web-based advertising with personalized and more appropriate content, i.e. other advertisements," where the claimed "condition" is that the referenced advertisement contains "undesirable content" and the claimed "signaling" is the referenced "replac[ing]." Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Granik's teachings would have allowed Kumhyr's method and system to gain greater personalization, and therefore relevance, of online advertisements, see Granik [0007]).

30. The method of claim 29, wherein the request identifies the alternative entity *(See e.g. Kumhyr Fig. 3 and [0023], "Monitoring process 300 may be used to monitor web pages for content deemed inappropriate by the sponsor of advertising to be inserted in the web page as discussed hereinabove").*

31. The method of claim 29, wherein redirecting the request includes an identifier to identify the request if redirected from the alternative entity back to the ad system *(See e.g. Kumhyr [0035], "In step 604, if the web page is requested, in step 606 the page is transmitted to the sponsor").*

32. The method of claim 29, wherein redirecting the request is based on determining that a threshold number of relevant ads are not available for rendering in conjunction with the target document *(See e.g. Kumhyr Fig. 4 where, see [0029], "On completion of the scan, step 410, in step 412 it is determined if a match condition is exceeded. In other words, if a match of count of key items exceeds a predetermined threshold condition").*

33. The method of claim 29, wherein redirecting the request is based on determining that a threshold amount of monetary gain will not be met if the one or more ads are rendered by the ad system *(See e.g. Granik [0019], "Particularly, the advertisers will pay the owner or operator of the Ad Replacer for every impression (or perhaps for every advertisement clicked on by the web user) and the Ad Replacer system, in turn, will pass along a percentage of that revenue to the user").*

34. The method of claim 29, wherein redirecting the request is based on determining that a threshold ad performance level will not be met if the one or more ads are rendered by the ad system *(See e.g. Kumhyr [0027], "For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports with references with goods or services of the same kind or category as the advertiser's goods or services, or content with respect to particular individuals with whom a negative connotation may be associated").*

35. The method of claim 34, wherein the threshold ad performance level depends at least in part on an expected clickthrough rate of the one or more ads if rendered by the ad system *(See e.g. Granik [0018], "Furthermore, users performing certain pre-defined user actions, including but not limited to: generating 'click-throughs'... will additionally entitle users to rewards").*

36. A system comprising:

a first means for rendering an ad via a resource of a target document *(See e.g. Kumhyr Fig. 3 and [0025], "A Web page may be have multiple insertions of advertising, and not all of the entities placing the advertising are necessarily concerned about the content of the web page in which the advertising will appear");* and

a second means for determining, based on a set of one or more criteria, whether or not to have the first means render the ad via the resource of the target document *(See e.g. Kumhyr Fig. 3 and [0025], "Thus, in step 306, it is determined if an advertisement associated with such display restrictions is identified in the page ")*,

wherein if the second means determines that the first means will not render the ad, signaling the availability of at least a portion of the resource to an alternative means to render alternative content via at least a portion of the resource *(Kumhyr does not teach signaling the availability of the resource if the condition is not met. However, Granik does, see [0018], "The application... filter[s] out the undesired advertising content by preventing it from being displayed, and then replaces the filtered out web-based advertising with personalized and more appropriate content, i.e. other advertisements," where the claimed "condition" is that the referenced advertisement contains "undesirable content" and the claimed "signaling" is the referenced "replac[ing]." Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Granik's teachings would have allowed Kumhyr's method and system to gain greater personalization, and therefore relevance, of online advertisements, see Granik [0007]).*

37. The system of claim 36, wherein the resource includes a display area on the target document *(See e.g. Kumhyr [0017], "Clients 102 may include a Web browser 108 for requesting Web documents ")*.

38. The system of claim 36, wherein the set of criteria includes an expected performance for rendering the ad via the resource of the target document *(See e.g. Kumhyr [0027], "For example, key items may include sexuality explicit content, or content associated with certain*

specific material, such as, negative news reports with references with goods or services of the

same kind or category as the advertiser's goods or services, or content with respect to particular

individuals with whom a negative connotation may be associated").

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kumhyr et al., U.S. 2003/0131095 (Kumhyr), in view of Gardner et al., U.S. 6,959,424

(Gardner).

23. The computer-implemented method of claim 21, wherein the remote scripting

includes an iframe *(Kumhyr does not teach using iframes. However, Gardner does, see col. 14,*

lines 6-20, "As previously described, this permits the banner and the associated images to

communicate with each other within a Javascript iframe environment." Thus, it would have

been obvious to one of ordinary skill in the database art at the time of the invention to combine

the teachings of the cited references because Gardner's teachings would have allowed Kumhyr's

method and system to gain the ability to display secondary images, such as advertising banners,

within their own frame in a primary webpage, see Gardner col. 1, lines 47-63).

24. The computer-implemented method of claim 23, wherein the iframe is named to

identify the ad rendering request to the first entity *(Kumhyr does not teach naming the iframes.*

However, Gardner does, see col. 9, lines 7-15, "Each banner advertisement and, separately,

each of its associated pop-up images has its own unique identification." Thus, it would have

been obvious to one of ordinary skill in the database art at the time of the invention to combine

the teachings of the cited references because Gardner's teachings would have allowed Kumhyr's

method and system to gain the ability to display secondary images, such as advertising banners,

within their own frame in a primary webpage, see Gardner col. 1, lines 47-63).

Response to Arguments

Applicants' amended title is not descriptive of the claimed novelty. Applicants claim that

the novelty of their invention is indicating the availability of at least a portion of the resource to

an alternative means to render alternative content via at least a portion of the resource. Thus, the

Examiner has suggested the following title: Rendering Alternative Advertisements Based on Ad

Revenue and Negative Content.

As per Applicants' argument that claims 1-35 are statutory under 35 U.S.C. 101, the

Examiner respectfully disagrees. While displaying an ad is a tangible result, "signaling" to

another system is not unless defined as such in the specification. The specification, however,

does not mention a step of "signaling." It does mention providing an indication, see [0054].

That "indication" is not necessarily tangible, however, because it only may enable a publisher to

render alternative content. It does not require the publisher to act, thus it is not clearly a tangible

result.

As per Applicants' argument that claims 36-38 are statutory under 35 U.S.C. 101, the

Examiner respectfully disagrees. While Applicants' method may require hardware to be

executed, if Applicants claim a system, that system claim must recite interrelated hardware

elements. Thus, a proper system claim generally includes a processor and memory including

instructions that when executed by the processor perform the claimed steps.

Applicants' arguments with respect to the 35 U.S.C. 102 and 103 rejections have been

considered but are moot in view of the new grounds of rejection.

Conclusion

Applicants' amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The

Examiner can normally be reached on M-Th 8:00a-5:00p.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

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/AJS/
Aaron J. Sanders
Examiner
7 December 2007

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100